

O-484-19

TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION NO. 3285716

BY SAIN LTD

TO REGISTER AS A SERIES OF TWO TRADE MARKS:

SAIN.

AND

SAIN

FOR GOODS IN CLASS 25

AND

IN THE MATTER OF THE OPPOSITION THERETO UNDER NO. 412781

BY J SAINSBURY PLC

BACKGROUND AND PLEADINGS

1. On 27 January 2018, SAIN LTD (“**the Applicant**”) applied to register, in respect of a very long list of clothing, footwear and headgear goods in Class 25 (as set out in **Annex 1** at the end of this decision), the series of two figurative marks shown on the cover of this decision, featuring the text “SAIN”.
2. The application was published for opposition purposes in the Trade Marks Journal on 16 March 2018. On 15 June 2018, J Sainsbury plc (“**the Opponent**”) filed a Form TM7 notice of opposition. The notice of opposition (as amended) had originally made claims under sections 5(2)(b), 5(3) and 5(4)(a) of the Act, but because the Opponent filed no evidence of reputation or goodwill in the earlier rights claimed, the grounds made under section 5(3) and 5(4)(a) were not supported and the Registry struck those grounds from the opposition (as confirmed by the registry’s official letter dated 25 January 2019).
3. *Case management conference*: The decision to dismiss those grounds was taken following a case management conference (CMC) held on 23 January 2019, which heard a challenge to a preliminary view by the registry that there were insufficient grounds to warrant extending the deadline by which the Opponent was to file its evidence. That CMC was attended by a representative for the Opponent; the Applicant did not attend. The Hearing Officer who took that CMC refused the request for additional time on the basis that he considered that the reasons fell short of the criteria set out in the Trade Marks Work Manual and he did not consider holidays and the Christmas period to be ‘strong and compelling’ or justifiable reasons for additional time.¹
4. I note that the request for additional time had been made on 19 December 2018, two and a half weeks before the deadline, and the Opponent reports that it followed up with the registry regarding the status of its extension request “on numerous occasions by telephone thereafter”, but that no updates were provided until the registry’s decision to refuse the request for an extension. The decision was communicated only in the early evening of the deadline date (Monday, 7 January 2019), and that the skeleton argument filed on behalf of the Opponent in these proceedings stated that “as such the Opponent was not even able to file the evidence that it had compiled by that date.” The Hearing Officer’s post-CMC letter

¹ Per A.J and Levy’s Trade Mark (1999) RPC 292

(dated 24 January 2019) noted that the Applicant had shown its intent to defend its application by filing its first Form TM8 notice of defence on 22 August 2018 which, following amendments, was not served until 7 November 2018. The explanation for the Hearing Officer's adherence to the usual two-month evidence timeframe therefore lies partly in the implication that the Opponent had in fact had a period of time that ought to have been sufficient to marshal its evidence in support of its claims.

The surviving grounds

5. Absent the claims under sections 5(3) and 5(4)(a) of the Act, the only ground for consideration in this decision is a claim under section 5(2)(b) the Act, where the question to be determined is whether the Applicant's mark is similar to the earlier mark and is to be registered for identical or similar goods as the earlier mark, such that there is a likelihood of confusion and that the application should therefore not proceed to registration.
6. The Opponent relies on its ownership of EU Trade Mark No. 15418478 for the word mark "SAINSBURY'S". The Opponent applied for its trade mark on 10 May 2016; therefore, in relation to the opposed mark, the Opponent's is an "earlier mark" as defined in section 6 of the Act. The earlier mark completed its registration process on 19 October 2016, so had not been registered long enough to engage the proof of use provisions under section 6A of the Act; the Opponent is therefore able to rely on its earlier mark in these proceedings in respect of its claimed services without having to prove that it has used the mark at all.
7. The earlier mark is registered in respect of a variety of goods and services but, for the purposes of this opposition, the Opponent relies solely upon its goods in Class 25, namely: "*articles of clothing, footwear and headgear; nightwear, sportswear, swimwear, underwear*".

The Applicant's defence

8. The Applicant submitted a Form TM8 notice of defence, including a counterstatement denying all the claims. In relation to the 5(2)(b) ground, the Applicant expressed its position as follows:

"It is not accepted that the opposed trade mark "SAIN." is similar to the earlier mark "SAINSBURY'S" as relied on by the Opponent under section 5(2)(b). The earlier mark

“SAINSBURY’S” viewed as a whole (as it must be) and compared with the mark “SAIN.” is clearly different.

It is denied that the essential and memorable part of the earlier mark is “SAIN.”. It is an artificial exercise to split the earlier mark into component parts in this manner. The Opponent does not use the mark “SAIN” as an abbreviated form of the earlier mark on any of its goods or services (including clothing) or marketing and advertising material. The mark has always been used, and viewed by the public, as a whole. It is therefore denied that there is any likelihood of confusion”

Papers filed, representation and hearing

9. Neither party filed evidence and no papers were admitted into the proceedings aside from the notice of opposition/statement of grounds and the notice of defence/counterstatement. Both parties requested an oral hearing and a short hearing took place before me by video conference in the afternoon of **Wednesday 14 August 2019**. The Applicant, who has acted without professional representation throughout these proceedings, did not, in the event, attend the oral hearing. The Opponent was represented at the hearing by Ms Charlotte Blythe of counsel, at the instruction of Lewis Silkin LLP. Ms Blythe filed a skeleton argument in advance of the hearing. I have read the papers filed and shall refer to the parties’ points where I consider it warranted to do so.

DECISION

The applicable law:

10. Section 5(2)(b) of the Act, reads as follows:

“5. – [...] (2) A trade mark shall not be registered if because – [...] (b) it is similar to an earlier trade mark and is to be registered for goods or services identical with or similar to those for which the earlier trade mark is protected, there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier trade mark”.
11. Determination of a section 5(2)(b) claim must be made in light of the following principles, which are gleaned from the decisions of the EU courts in *Sabel BV v Puma AG*, Case C-

251/95, *Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc*, Case C-39/97, *Lloyd Schuhfabrik Meyer & Co GmbH v Klijsen Handel B.V.* Case C-342/97, *Marca Mode CV v Adidas AG & Adidas Benelux BV*, Case C-425/98, *Matratzen Concord GmbH v OHIM*, Case C-3/03, *Medion AG v. Thomson Multimedia Sales Germany & Austria GmbH*, Case C-120/04, *Shaker di L. Laudato & C. Sas v OHIM*, Case C-334/05P and *Bimbo SA v OHIM*, Case C-591/12P. The principles include the following:

- i. The likelihood of confusion must be appreciated globally, taking account of all relevant factors;
- ii. the matter must be judged through the eyes of the average consumer of the goods or services in question, who is deemed to be reasonably well informed and reasonably circumspect and observant, but who rarely has the chance to make direct comparisons between marks and must instead rely upon the imperfect picture of them he has kept in his mind, and whose attention varies according to the category of goods or services in question;
- iii. the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details;
- iv. the visual, aural and conceptual similarities of the marks must normally be assessed by reference to the overall impressions created by the marks bearing in mind their distinctive and dominant components, but it is only when all other components of a complex mark are negligible that it is permissible to make the comparison solely on the basis of the dominant elements;
- v. a lesser degree of similarity between the goods or services may be offset by a great degree of similarity between the marks, and vice versa;
- vi. there is a greater likelihood of confusion where the earlier mark has a highly distinctive character, either per se or because of the use that has been made of it;
- vii. mere association, in the strict sense that the later mark brings the earlier mark to mind, is not sufficient;

- viii. the reputation of a mark does not give grounds for presuming a likelihood of confusion simply because of a likelihood of association in the strict sense;
- ix. if the association between the marks creates a risk that the public will wrongly believe that the respective goods or services come from the same or economically-linked undertakings, there is a likelihood of confusion.

Comparison of the goods

- 12. The goods relied on by the Opponent include the broad categories of “clothing, footwear and headgear” (as well as some more specific sub-categories, namely “nightwear, sportswear, swimwear, underwear”).
- 13. In *Gérard Meric v Office for Harmonisation in the Internal Market (OHIM)*, the General Court stated² that goods can be considered as identical when the goods designated by the trade mark application are included in a more general category designated by the earlier mark (and vice versa).
- 14. Each of the individual goods listed in the specification for the Applicant’s Mark (and set out at **Annex 1** to this decision) falls within one of the general terms “clothing, footwear and headgear” specified under the earlier mark relied on by the Opponent. The goods at issue are therefore identical.

The average consumer and the purchasing process

- 15. In *Hearst Holdings Inc*,³ Birss J. explained that “... *trade mark questions have to be approached from the point of view of the presumed expectations of the average consumer who is reasonably well informed and reasonably circumspect ... the relevant person is a legal construct and that the test is to be applied objectively by the court from the point of view of that constructed person. The word “average” denotes that the person is typical ...*”.
- 16. The notional average consumer in this case – for goods that are clothing, footwear and headgear – will be a member of the public at large, who will purchase the goods in shops, via the internet or, possibly, through catalogues. They will see the marks used on the goods

² Case T- 133/05 at paragraph 29 of that judgment.

³ *Hearst Holdings Inc, Fleischer Studios Inc v A.V.E.L.A. Inc, Poeticgem Limited, The Partnership (Trading) Limited, U Wear Limited, J Fox Limited*, [2014] EWHC 439 (Ch), at paragraph 60.

as labelling or branding or in advertising. As Ms Blythe submitted, customers are likely to select clothing items on the basis of a visual perusal of items in a store or on-line and often after trying items on. Therefore, I consider the purchase to be a primarily visual one⁴, but aural considerations may also play a part, such as on the basis of word-of-mouth recommendations, so I also take into account the aural impact of the marks in the assessment.

17. Ms Blythe submitted in her skeleton argument that “the level of attention to detail is likely to be no higher than moderate”. The price of the goods may vary from cheap to expensive, but I find that the consumer will be engaged in the purchasing process at least to a degree to ensure suitability in terms of size, fit and styling preference. I consider it fair to characterise as ‘normal’, or ‘medium’, the level of attention of the average consumer in buying the goods specified in this case.

Comparison of the marks

18. It is clear from *Sabel* that the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details. The same case also explains that the visual, aural and conceptual similarities of the marks must be assessed by reference to the overall impressions created by the marks, bearing in mind their distinctive and dominant components. The CJEU stated in *Bimbo* that: “.....it is necessary to ascertain, in each individual case, the overall impression made on the target public by the sign for which registration is sought, by means of, inter alia, an analysis of the components of a sign and of their relative weight in the perception of the target public, and then, in the light of that overall impression and all factors relevant to the circumstances of the case, to assess the likelihood of confusion.”
19. It would therefore be wrong to dissect the trade marks artificially, but it is necessary to take into account the distinctive and dominant components of the marks and to give due weight to any other features that are not negligible and therefore contribute to the overall impressions created by the marks. The marks to be compared are shown below:

⁴ See paragraphs 49 and 50 of the judgment of the General Court in *New Look Limited v OHIM*, joined cases T-117/03 to T-119/03 and T-171/03.

<p>The Opponent's earlier trade mark:</p>	<p>SAINSBURY'S</p>
<p>The Applicant's contested series of two trade marks:</p>	

20. The overall impression of the earlier mark is, simply, that it is the word SAINSBURY'S, which the average consumer will understand to be the possessive form of a surname. That single word inevitably represents the dominant component, and since it has no descriptive resonance for clothing, footwear or headgear, it is distinctive in respect of the goods at issue.
21. The overall impression of the marks in the series applied for is that each is the word "SAIN". In relation to the rectangular full stop present in the first in the series, Ms Blythe submitted in her skeleton argument that it "adds nothing to the Contested Mark as it would go unnoticed by the average consumer and be seen simply as an unimportant form of punctuation." At the hearing, Ms Blythe treated the two marks in the series as "one and the same" on the basis that "the full stop added nothing distinctive to the mark".

Visual similarity

22. It was submitted on behalf of the Opponent that the marks are visually similar to a high degree. The basis of this submission was that the whole of the contested mark is subsumed within the earlier mark as its first syllable; consequently, the first portion ("almost half") of the earlier mark is identical to the word comprising the Applicant's mark(s). In this context, Ms Blythe submitted that "it is recognised that the start of a word is generally more important than the end of a word". I shall return to that point when I assess the likelihood of confusion. My own assessment is that since the overall impression of the respective marks results from each word in its entirety, and it is the whole of each word that is dominant and distinctive, it would involve an artificial dissection of the earlier mark to attribute much significance to the presence of the word "SAIN" within the earlier mark. I consider the marks to be visually similar to a low degree.

Aural similarity

23. It was submitted on behalf of the Opponent that the marks are aurally similar to a high degree. In support of that assessment Ms Blythe submitted that “the coincidence of the first syllable is important in particular because when the earlier mark is spoken, the emphasis is placed on this first syllable, with the second and third syllables given less emphasis, said quickly and potentially combined together. This coincidence is important as it is that syllable that is heard first by the average consumer and that dominates the overall aural impression of the mark, with the remaining syllables merely supporting the impression that has already been made.”
24. My own assessment is that the Applicant’s mark will be spoken as “SAYN” and that the average consumer will produce the same sound as part of the opening syllable of the earlier mark, but adding the sound of an “S” or “Z” – SAYNS or SAYNZ – before pronouncing the remainder of the word, as either one or two further syllables i.e. (approximately) “breez” or “buh-reez”. While there may be a slight emphasis on the opening syllable of the earlier mark, which syllable somewhat replicates the contested mark, I find that the continuation of the word and the voicing of the remaining one or two syllables that are inherent in the possessive form of that family name, significantly reduces the aural similarity. The Applicant’s mark is a short single syllable sound; the earlier mark is clearly a longer word and its second half will not be lost in utterance. I find the marks aurally similar to a low degree.

Conceptual similarity

25. It was submitted on behalf of the Opponent that there can be no relevant conceptual analysis as both marks have no meaning. In considering my own assessment of conceptual similarity, I note that the Applicant’s mark is a homophone of the common English word “SANE”, which word the average consumer would understand to carry the concept of “of sound mind”. So on an aural analysis, the Applicant’s mark may bring to mind that readily graspable concept. However, neither party raised that suggestion, and on the face of matters, “SAIN” is a word to which the average consumer would attach no meaning. The Applicant’s counterstatement referred, in connection with the section 5(3) ground that has not proceeded, that the choice of word “SAIN” derives from the last part of the name Hussain, which is the first name of the individual behind the Applicant company. Clearly, however, the average consumer would not perceive such a derivation. For the purposes of

assessing conceptual similarity, I find that the Applicant's mark carries no readily graspable concept and will be seen as a made-up word. By contrast, I find that the average consumer would perceive in the earlier mark the concept of a surname, expressed in the possessive form - indeed, Ms Blythe referred to it that way elsewhere in her skeleton argument. Since one mark has a clear concept and the other does not, I find that the marks are conceptually different.

Distinctiveness of the earlier mark

26. The distinctive character of the earlier mark must be assessed, as, potentially, the more distinctive the earlier mark, either inherently or through use, the greater the likelihood of confusion.⁵ In *Lloyd Schuhfabrik*, the CJEU stated that:

“22. In determining the distinctive character of a mark and, accordingly, in assessing whether it is highly distinctive, the national court must make an overall assessment of the greater or lesser capacity of the mark to identify the goods or services for which it has been registered as coming from a particular undertaking, and thus to distinguish those goods or services from those of other undertakings (see, to that effect, judgment of 4 May 1999 in Joined Cases C-108/97 and C-109/97 *Windsurfing Chiemsee v Huber and Attenberger* [1999] ECR I-2779, paragraph 49).

23. In making that assessment, account should be taken, in particular, of the inherent characteristics of the mark, including the fact that it does or does not contain an element descriptive of the goods or services for which it has been registered; the market share held by the mark; how intensive, geographically widespread and long-standing use of the mark has been; the amount invested by the undertaking in promoting the mark; the proportion of the relevant section of the public which, because of the mark, identifies the goods or services as originating from a particular undertaking; and statements from chambers of commerce and industry or other trade and professional associations (see *Windsurfing Chiemsee*, paragraph 51)”.

27. It was submitted on behalf of the Opponent that the earlier mark enjoyed a “moderate to high level of inherent distinctiveness being a rather unusual surname used in the possessive

⁵ *Sabel* at [24]

form and having no descriptive to items of clothing.” I find that the earlier mark may be considered to have an at least average degree of inherent distinctiveness.

28. The absence of evidence of use, promotion, market share or so on, would ordinarily preclude any conclusion on possible enhancement of the level of distinctive character beyond what is inherent in the mark. Nonetheless, the Opponent submitted that its earlier mark benefits from an enhanced degree of distinctive character due to the extensive use that the Opponent has made of that mark. Although the Opponent has not filed any direct evidence of that use, it was submitted that it was still open to the tribunal to find that the earlier mark’s distinctiveness has been enhanced through use. It based that submission on the following three reasons:

- a) In its Form TM7, which is signed with a statement of truth, the Opponent stated that the Opponent was incorporated in 1869 and that the earlier mark has been in continuous use in the UK for almost 150 years and has developed a reputation in the SAINSBURY’S trade mark in the UK;
- b) It was argued that it is possible to take judicial notice of the existence, fame and renown of the large chain of supermarkets operated by the Opponent under the earlier mark and the large range of goods (including clothing) that are sold in the Opponent’s stores. In the context of an evaluation of distinctiveness, the Court of Appeal has referred to the requirement that a fact has to be “notorious” before judicial notice can be taken of it: *Perfetti SpA’s Trade Mark Application* (CA, unreported dated 5 July 1999). It was submitted that Sainsbury’s supermarkets are so prolific across the UK and their advertising is so widespread that the existence and scale of the Opponent’s brand is so notorious ... and of such common general knowledge that it need not be proved by evidence;
- c) The scale of the Opponent’s supermarket business is demonstrated by the Opponent’s presence on the Trade Mark Register: the Opponent is the proprietor of over 60 UK and EU Trade Marks consisting of or containing the word “SAINSBURY’S”, the earliest of which dates back to 1979 and the earliest including Class 25 dates back to 1982. It was submitted that the state of the Trade Mark Register is a matter of public record and does not need to be formally adduced in evidence to be considered.

29. I find those reasons are not without flaws – for example, the TM7 statement arose in the context of the (now dismissed) section 5(3) claim and there is no indication as to the extent of the goods and services that may fall within the reach of the claimed reputation; and, as to point c), it would not be appropriate to find enhancement on the basis of the tribunal having recourse to the public register of trade marks, which in any event, as Ms Blythe acknowledged at the hearing, may or may not have been used in relation to relevant goods or services. However, I am certainly content to acknowledge and accept that (i) Sainsbury’s is the name of a leading and very well-known supermarket chain in the UK and (ii) that the retail services of Sainsbury’s supermarkets extend to clothing. I will, accordingly, take these latter two points into account among the factors to be weighed in my assessment of likelihood of confusion. However, in the absence of evidence on how clothing, footwear and headgear have been marketed and branded under the earlier mark, and without any information on sales volumes and market share, I do not accept that the earlier mark benefits from an enhancement of its distinctive character on the basis of use in relation to the goods at issue.

Conclusion as to likelihood of confusion

30. It was submitted on behalf of the Opponent that a likelihood of confusion arises in a form that may be direct or indirect. Before I set out my own global assessment of likelihood of confusion, I note the following relevant points from case law. Indirect confusion (and its distinction from direct confusion), was considered by Mr Iain Purvis QC, sitting as the Appointed Person⁶, in *L.A. Sugar Limited v By Back Beat Inc*,⁷ where he noted that:

“16. Although direct confusion and indirect confusion both involve mistakes on the part of the consumer, it is important to remember that these mistakes are very different in nature. Direct confusion involves no process of reasoning – it is a simple matter of mistaking one mark for another. Indirect confusion, on the other hand, only arises where the consumer has actually recognised that the later mark is different from the earlier mark. It therefore requires a mental process of some kind on the part of the consumer when he or she sees the later mark, which may be conscious or subconscious but, analysed in formal terms, is something along the following lines: “The later mark is different from the earlier mark, but

6 An Appointed Person is a senior lawyer, expert in intellectual property law, who hears appeals against decisions of the trade mark tribunal.

7 Case BL-O/375/10

also has something in common with it. Taking account of the common element in the context of the later mark as a whole, I conclude that it is another brand of the owner of the earlier mark.

17. Instances where one may expect the average consumer to reach such a conclusion tend to fall into one or more of three categories:

- (a) where the common element is so strikingly distinctive (either inherently or through use) that the average consumer would assume that no-one else but the brand owner would be using it in a trade mark at all. This may apply even where the other elements of the later mark are quite distinctive in their own right (“26 RED TESCO” would no doubt be such a case)
- (b) where the later mark simply adds a non-distinctive element to the earlier mark, of the kind which one would expect to find in a sub-brand or brand extension (terms such as “LITE”, “EXPRESS”, “WORLDWIDE”, “MINI” etc.).
- (c) where the earlier mark comprises a number of elements, and a change of one element appears entirely logical and consistent with a brand extension (“FAT FACE” to “BRAT FACE” for example).”

31. Sitting as the Appointed Person in *Eden Chocolat*⁸, James Mellor QC stated as follows:

“81.4 ... I think it is important to stress that a finding of indirect confusion should not be made merely because the two marks share a common element. When Mr Purvis was explaining⁹ in more formal terms the sort of mental process involved at the end of his [16], he made it clear that the mental process did not depend on the common element alone: ‘Taking account of the common element in the context of the later mark as a whole.’ (my emphasis).”

32. In my global assessment of likelihood of confusion, I take account of my findings set out in the foregoing sections of this decision and of the various principles from case law outlined in paragraph 11 above.

⁸ Case BL O-547-17 *Eden Chocolat be more chocstanza (word & device) v Heirler Cenovis GmbH* (27 October 2017)

⁹ In *L.A. Sugar Limited v By Back Beat Inc* Case BL-O/375/10 –above.

33. The parties goods are identical; the purchasing process will entail a normal/medium level of attention; the consumer (the public at large) will primarily encounter the marks visually and I have found the marks to have a low degree of visual similarity; the average consumer may also encounter the marks by oral recommendation or reference, and I find the marks also have a low degree of aural similarity. I have found the marks to be conceptually different. The Opponent's earlier trade mark has an at least average degree of inherent distinctiveness for the goods at issue, and while I do not find that the mark benefits from an enhancement of its distinctive character on the basis of use in relation to the goods at issue, I accept that Sainsbury's is a very well-known supermarket chain in the UK and that its retail services extend to clothing.
34. Taking all this in the round, and despite the identity between the goods, and even allowing for the principle of interdependence of factors, where a lesser degree of similarity between the marks may be offset by a great degree of similarity between the goods, **I find that there is no likelihood that the average consumer, being reasonably well informed and reasonably circumspect, will directly confuse the Applicant's marks with the word "SAINSBURY'S"**; the marks one will not be mistaken for the other. It is clear from case law that conceptual differences may counteract visual and phonetic similarities where the meaning of at least one of the two signs at issue is clear and specific so that it can be grasped immediately by the relevant public.¹⁰ However, even if one considered a signified surname, in its possessive form, to be a concept that is insufficiently readily graspable, with the consequence that both marks have no meaning and the Opponent were therefore correct in its submission that there can be no relevant conceptual analysis, I find that the low degrees of visual and aural similarity between the marks are anyway sufficient to avoid a likelihood of confusion.
35. The average consumer normally perceives a mark as a whole and does not proceed to analyse its various details; the distinctiveness of the earlier mark lies in the whole word "SAINSBURY'S" and the average consumer will not perceive the Applicant's mark as a dominant component within the earlier mark. I reject the submission made on behalf of the Opponent that the average consumer may hear the contested mark and simply believe that they missed or mis-heard the remainder of the earlier mark. It was also submitted on behalf

¹⁰ See ruling of the Court of Justice of the European Union in *The Picasso Estate v OHIM*, Case C-361/04 P, at paragraph 20

of the Opponent that “a brand may be featured on soft materials that fold and crease obscuring the full mark, or a brand may be featured on small components (such as metal fasteners, zips, tags on side seams, small labels etc) where the mark may be used in a small font and may not be easily seen in full.” I again reject the submission as a good basis for finding a likelihood of confusion; the marks should be considered as wholes, in the form in which they appear in the register, and the concept of notional and fair use should not extend to ‘folding out’ of consideration the larger portion of one of the marks at issue.

36. As to indirect confusion, it was submitted on behalf of the Opponent that “there is a real possibility that the average consumer may see the name SAIN used on clothing and believe that there is a commercial connection between that item of clothing and the Opponent, the extremely well-known supermarket brand that sells, inter alia, clothing. The average consumer may, for example, believe that “SAIN” is a new clothing sub-brand released by the Opponent (for example, specialising in menswear) or a joint venture between the Opponent and a third-party clothing brand.”
37. I acknowledge that it is common in the clothing sector for a single clothing manufacturer to use sub-brands (signs that derive from a principal mark and which share with it a common dominant element) in order to distinguish its various lines from one another (feminine, masculine, young).¹¹ However, on the present facts I find no sustainable sub-brand argument. Even if the Applicant’s marks were to bring to mind the earlier mark (on which point I make no finding), the case law principles in this area are clear that no likelihood of confusion arises where a later mark merely calls to mind the earlier mark (mere association), and that the reputation of a mark does not give grounds for presuming a likelihood of confusion simply because of a likelihood of association in the strict sense. With regard to the loose steer in case law that the average consumer generally pays greater attention to the beginning of a mark than to the end, Ms Blythe cited paragraph 24 of the ruling of the European Court of First Instance in *L’Oreal v OHIM*.¹² The facts of that case may be readily distinguished from the present circumstances. The marks at issue in that case were ‘spa’ versus ‘spaline’, where the presence of the element ‘spa’ at the beginning of the trade mark applied for justified a finding that those marks had a degree of visual and aural similarity but

¹¹ As stated by the European Court of First Instance at paragraph 68 of its ruling in T-346/04 - Sadas v OHMI - LTJ Diffusion (ARTHUR ET FELICIE)

¹² Case T-21/07, [2009] ETMR 49

where the Court found that the presence of the element 'line' "far from distinguishing the marks in question, tends, on the contrary, to establish a conceptual link between them. The word 'line', a term belonging to basic English vocabulary, the meaning of which the relevant public can be supposed to understand without difficulty, is very often used in the area of cosmetics to refer to a range, or 'line', of products." In the present case, I have found a low degree of visual and aural similarity arising from the shared four letters, but that element is subsumed within the earlier mark making a longer and different word that has no conceptual connection with the mark applied for. Bearing in mind the Appointed Person's emphases in *Eden Chocolat* that a finding of indirect confusion should not be made merely because the two marks share a common element, and the importance of taking account of the common element in the context of the later mark as a whole, **I conclude that there is no likelihood of indirect confusion in the present case. The opposition fails overall.**

COSTS

38. This opposition has failed in its entirety and, in such circumstances, an applicant would generally be entitled to a contribution towards its costs of defending its application. The letter from the registry (3 June 2019), which notified the parties of the date and time of the hearing of these proceedings, informed the Applicant that if it intended to request costs it would have to complete and return the provided pro-forma two days before the hearing, with copy to the other side. The letter set out the need to include a breakdown of the actual costs, including accurate estimates of the number of hours spent on each of the activities listed. It stated that the Litigants in Person (Costs and Expenses) Act 1975 (as amended) sets the minimum level of compensation for litigants in person in Court proceedings at £19.00 an hour. The letter also explained that if the proforma were not completed and returned, no costs would be awarded. The Applicant does not appear to have requested costs and in any event has filed no proforma. I therefore make no award of costs in this case.

Dated this 20th day of August 2019

Matthew Williams
For the Registrar

Annex 1

Full list of the goods specified in the application

Class 25: Adhesive bras; After ski boots; Aikido suits; Aikido uniforms; Albs; Aloha shirts; American football bibs; American football pants; American football shirts; American football shorts; American football socks; Anglers' shoes; Ankle boots; Ankle socks; Anklets [socks]; Anoraks; Anoraks [parkas]; Anti-perspirant socks; Anti-sweat underclothing; Anti-sweat underwear; Après-ski boots; Apres-ski shoes; Aprons; Aprons [clothing]; Aqua shoes; Arm warmers [clothing]; Army boots; Articles of clothing; Articles of clothing for theatrical use; Articles of clothing made of hides; Articles of clothing made of leather; Articles of outer clothing; Articles of sports clothing; Articles of underclothing; Ascots; Ascots (ties); Athletic clothing; Athletic footwear; Athletic shoes; Athletic tights; Athletic uniforms; Athletics footwear; Athletics hose; Athletics shoes; Athletics vests; Babies' clothing; Babies' outerclothing; Babies' pants [clothing]; Babies' pants [underwear]; Babies' undergarments; Babushkas; Baby bibs [not of paper]; Baby bodysuits; Baby boots; Baby bottoms; Baby clothes; Baby doll pyjamas; Baby layettes for clothing; Baby pants; Baby sandals; Baby tops; Balaclavas; Ball gowns; Ballet shoes; Ballet slippers; Ballet suits; Ballroom dancing shoes; Bandanas; Bandanas [neckerchiefs]; Bandannas; Bandeaux [clothing]; Barber smocks; Baseball caps; Baseball caps and hats; Baseball hats; Baseball shoes; Baseball uniforms; Baselayer bottoms; Baselayer tops; Basic upper garment of Korean traditional clothes [Jeogori]; Basketball shoes; Basketball sneakers; Bath robes; Bath sandals; Bath shoes; Bath slippers; Bathing caps; Bathing costumes; Bathing costumes for women; Bathing drawers; Bathing suit cover-ups; Bathing suits; Bathing suits for men; Bathing trunks; Bathrobes; Bathwraps; Beach clothes; Beach clothing; Beach cover-ups; Beach footwear; Beach hats; Beach robes; Beach shoes; Beach wraps; Beachwear; Beanie hats; Beanies; Bed jackets; Bed socks; Belts [clothing]; Belts for clothing; Belts made from imitation leather; Belts made of leather; Belts made out of cloth; Belts (Money -) [clothing]; Belts of textile; Berets; Bermuda shorts; Bib overalls for hunting; Bib shorts; Bib tights; Bibs, not of paper; Bibs, sleeved, not of paper; Bikinis; Blazers; Bloomers; Blouses; Blouson jackets; Blousons; Blue jeans; Board shorts; Boardshorts; Boas; Boas [clothing]; Boas [necklets]; Boaters; Bobble hats; Bodices; Bodices [lingerie]; Bodies [clothing]; Bodies [underclothing]; Body linen [garments]; Body stockings; Body suits; Body warmers; Bodysuits; Boiler suits; Boleros; Bolo ties; Bolo ties with precious metal tips; Bomber jackets; Bonnets; Bonnets [headwear]; Boot cuffs; Boot uppers; Bootees (woollen baby shoes); Booties; Boots; Boots for motorcycling; Boots for sport; Boots for sports; Boots (Ski -); Bottoms [clothing]; Bow ties; Bowling shoes; Bowties; Boxer briefs; Boxer shorts; Boxing shoes; Boxing shorts; Boy shorts [underwear]; Boys' clothing; Bra straps; Bra straps [parts of clothing]; Braces as suspenders; Braces for clothing; Braces for clothing [suspenders]; Braces [suspenders]; Bralettes; Bras; Brassieres; Breeches; Breeches for wear; Bridal garters; Bridal gowns; Bridesmaid dresses; Bridesmaids wear; Briefs; Briefs [underwear]; Bucket caps; Burnouses; Bushjackets; Bustiers; Bustle holder bands for obi (obiage); Bustles for obi-knots (obiage-shin); Button down shirts; Button-front aloha shirts; Caftans;

Cagoules; Camiknickers; Camisoles; Camouflage gloves; Camouflage jackets; Camouflage pants; Camouflage shirts; Camouflage vests; Canvas shoes; Cap peaks; Cap visors; Capelets; Capes; Capes (clothing); Caps; Caps being headwear; Caps [headwear]; Caps (Shower -); Caps with visors; Car coats; Cardigans; Cargo pants; Cashmere clothing; Cashmere scarves; Casual clothing; Casual footwear; Casual jackets; Casual shirts; Casual trousers; Casual wear; Casualwear; Chaps; Chaps (clothing); Chasubles; Chefs' hats; Chefs' whites; Chemise tops; Chemises; Chemisettes; Cheongsams (Chinese gowns); Children's clothing; Children's clothing; Children's footwear; Children's headwear; Children's outerclothing; Children's wear; Chino pants; Choir robes; Christening gowns; Christening robes; Cleats for attachment to sports shoes; Climbing boots; Climbing boots [mountaineering boots]; Climbing footwear; Cloaks; Clogs; Cloth bibs; Cloth bibs for adult diners; Clothes; Clothes for sport; Clothes for sports; Clothing; Clothing for babies; Clothing for children; Clothing for cycling; Clothing for cyclists; Clothing for fishermen; Clothing for gymnastics; Clothing for horse-riding [other than riding hats]; Clothing for infants; Clothing for leisure wear; Clothing for martial arts; Clothing for men, women and children; Clothing for skiing; Clothing for sports; Clothing for wear in judo practices; Clothing for wear in wrestling games; Clothing layettes; Clothing made of fur; Clothing made of imitation leather; Clothing made of leather; Clothing of imitations of leather; Clothing of leather; Coats; Coats for men; Coats for women; Coats made of cotton; Coats of denim; Coats (Top -); Cocktail dresses; Collar guards for protecting clothing collars; Collar liners for protecting clothing collars; Collar protectors; Collared shirts; Collars; Collars [clothing]; Collars for dresses; Combative sports uniforms; Combinations [clothing]; Corduroy pants; Corduroy shirts; Corduroy trousers; Corselets; Corsets; Corsets [clothing, foundation garments]; Corsets [foundation clothing]; Corsets [underclothing]; Costumes; Costumes for use in children's dress up play; Costumes for use in role-playing games; Costumes (Masquerade -); Cotton coats; Coveralls; Coverups; Cover-ups; Cowls [clothing]; Cravates; Cravats; Crew neck sweaters; Crinolines; Crop tops; Cuffs; Culotte skirts; Culottes; Cumberbunds; Cycling caps; Cycling Gloves; Cycling pants; Cycling shoes; Cycling shorts; Cycling tops; Cyclists' clothing; Dance clothing; Dance costumes; Dance shoes; Dance slippers; Deck shoes; Deck-shoes; Denim coats; Denim jackets; Denim jeans; Denim pants; Denims [clothing]; Desert boots; Detachable collars; Detachable neckpieces for kimonos (haneri); Dinner jackets; Dinner suits; Disposable slippers; Disposable underwear; Donkey jackets; Down jackets; Down vests; Drawers as clothing; Drawers [clothing]; Dress pants; Dress shields; Dress shirts; Dress shoes; Dress suits; Dresses; Dresses for evening wear; Dresses for infants and toddlers; Dresses made from skins; Dressing gowns; Driving gloves; Driving shoes; Dry suits; Duffel coats; Duffle coats; Dungarees; Dust coats; Ear muffs; Ear muffs [clothing]; Ear warmers; Earbands; Earmuffs; Embossed heels of rubber or of plastic materials; Embossed soles of rubber or of plastic materials; Espadrilles; Esparto shoes or sandals; Esparto shoes or sandals; Evening coats; Evening dresses; Evening gowns; Evening suits; Evening wear; Exercise wear; Eye masks; Fabric belts; Fabric belts [clothing]; Fake fur hats; Fancy dress costumes; Fascinator hats; Fashion hats; Fedoras; Fezzes; Figure skating clothing; Fingerless gloves; Fingerless gloves as clothing; Fishermen's jackets; Fishing boots; Fishing clothing; Fishing footwear; Fishing headwear;

Fishing jackets; Fishing shirts; Fishing smocks; Fishing vests; Fishing waders; Fitted swimming costumes with bra cups; Fittings of metal for boots and shoes; Fittings of metal for footwear; Flat caps; Flat shoes; Fleece pullovers; Fleece shorts; Fleece tops; Fleece vests; Fleeces; Flip-flops; Flip-flops for use as footwear; Flying suits; Foam pedicure slippers; Folk costumes; Foot volleyball shoes; Football boots; Football boots (Studs for -); Football jerseys; Football shirts; Football shoes; Footless socks; Footless tights; Footmuffs, not electrically heated; Footwear; Footwear [excluding orthopedic footwear]; Footwear (Fittings of metal for -); Footwear for men; Footwear for men and women; Footwear for snowboarding; Footwear for sport; Footwear for sports; Footwear for track and field athletics; Footwear for use in sport; Footwear for women; Footwear made of vinyl; Footwear made of wood; Footwear (Non-slipping devices for -); Footwear not for sports; Footwear soles; Footwear (Tips for -); Footwear uppers; Footwear (Welts for -); Formal evening wear; Formal wear; Formalwear; Foulards [clothing articles]; Foundation garments; Frames (Hat -) [skeletons]; Frock coats; Full-length kimonos (nagagi); Functional underwear; Fur cloaks; Fur coats; Fur coats and jackets; Fur hats; Fur jackets; Fur muffs; Fur stoles; Furs [clothing]; Gabardines; Gabardines [clothing]; Gaiter straps; Gaiters; Galoshes; Garments for protecting clothing; Garrison caps; Garter belts; Garters; Gauchos; Gilets; Girdles; Girdles [corsets]; Girls' clothing; Gloves; Gloves as clothing; Gloves [clothing]; Gloves for apparel; Gloves for cyclists; Gloves including those made of skin, hide or fur; Gloves with conductive fingertips that may be worn while using handheld electronic touch screen devices; Golf caps; Golf clothing, other than gloves; Golf footwear; Golf pants, shirts and skirts; Golf shirts; Golf shoes; Golf shorts; Golf skirts; Golf trousers; Goloshes; Gowns; Gowns for doctors; Greatcoats; G-strings; Guernseys; Gussets for bathing suits [parts of clothing]; Gussets for footlets [parts of clothing]; Gussets for leotards [parts of clothing]; Gussets for stockings [parts of clothing]; Gussets for tights [parts of clothing]; Gussets for underwear [parts of clothing]; Gussets [parts of clothing]; Gym boots; Gym shorts; Gym suits; Gymnastic shoes; Gymshoes; Gymwear; Hairdressing capes; Half-boots; Halloween costumes; Halter tops; Handball shoes; Handwarmers [clothing]; Haneri [detachable neckpieces for kimonos]; Hat frames [skeletons]; Hats; Hats (Paper -) [clothing]; Head bands; Head scarves; Head sweatbands; Head wear; Headbands; Headbands against sweating; Headbands [clothing]; Headbands for clothing; Headdresses [veils]; Headgear; Headgear for wear; Headscarfs; Headscarves; Headshawls; Headsquares; Headwear; Heavy coats; Heavy jackets; Heel inserts; Heel pieces for shoes; Heel pieces for stockings; Heelpieces for footwear; Heelpieces for stockings; Heels; High rain clogs (ashida); High-heeled shoes; Hiking boots; Hiking shoes; Hockey shoes; Hooded pullovers; Hooded sweat shirts; Hooded sweatshirts; Hooded tops; Hoodies; Hoods; Hoods [clothing]; Horse-riding boots; Horse-riding pants; Hosiery; House coats; Housecoats; Hunting boot bags; Hunting boots; Hunting jackets; Hunting pants; Hunting shirts; Hunting vests; Imitation leather dresses; Infant clothing; Infant wear; Infants' boots; Infants' clothing; Infants' footwear; Infants' shoes; Infants' trousers; Infantwear; Inner socks for footwear; Inner soles; Innersocks; Insoles; Insoles for footwear; Insoles for shoes and boots; Insoles [for shoes and boots]; Intermediate soles; Jacket liners; Jackets; Jackets being sports clothing; Jackets [clothing]; Jackets (Stuff -) [clothing]; Japanese footwear of rice straw (waraji);

Japanese kimonos; Japanese sleeping robes (nemaki); Japanese sleeping robes [nemaki]; Japanese split-toed work footwear (jikatabi); Japanese style clogs and sandals; Japanese style sandals of felt; Japanese style sandals of leather; Japanese style sandals (zori); Japanese style socks (tabi); Japanese style socks (tabi covers); Japanese style wooden clogs (geta); Japanese toe-strap sandals (asaura-zori); Japanese traditional clothing; Jeans; Jerkins; Jerseys; Jerseys [clothing]; Jockstraps [underwear]; Jodhpurs; Jogging bottoms; Jogging bottoms [clothing]; Jogging outfits; Jogging pants; Jogging sets [clothing]; Jogging shoes; Jogging suits; Jogging tops; Judo suits; Judo uniforms; Jump Suits; Jumper dresses; Jumper suits; Jumpers; Jumpers [pullovers]; Jumpers [sweaters]; Jumpsuits; Kaftans; Karate suits; Karate uniforms; Kendo outfits; Kerchiefs; Kerchiefs [clothing]; Khakis; Kilts; Kimonos; Knee warmers [clothing]; Knee-high stockings; Knickerbockers; Knickers; Knit jackets; Knit shirts; Knit tops; Knitted baby shoes; Knitted caps; Knitted clothing; Knitted gloves; Knitted tops; Knitted underwear; Knitwear; Knitwear [clothing]; Knot caps; Korean outer jackets worn over basic garment [Magoja]; Korean topcoats [Durumagi]; Korean traditional women's waistcoats [Baeja]; Laboratory coats; Lace boots; Ladies' boots; Ladies' clothing; Ladies' dresses; Ladies' footwear; Ladies' outerclothing; Ladies' sandals; Ladies' suits; Ladies' underwear; Ladies wear; Layettes; Layettes [clothing]; Leather belts [clothing]; Leather clothing; Leather (Clothing of -); Leather (Clothing of imitations of -); Leather coats; Leather dresses; Leather garments; Leather headwear; Leather jackets; Leather pants; Leather shoes; Leather slippers; Leather suits; Leather waistcoats; Leg warmers; Leggings [leg warmers]; Leggings [trousers]; Legwarmers; Leg-warmers; Leisure clothing; Leisure footwear; Leisure shoes; Leisure suits; Leisure wear; Leisurewear; Leotards; Light-reflecting coats; Light-reflecting jackets; Linen (Body -) [garments]; Linen clothing; Lingerie; Linings (Ready-made -) [parts of clothing]; Liveries; Long jackets; Long Johns; Long sleeve pullovers; Long sleeved vests; Long-sleeved shirts; Lounge pants; Loungewear; Lounging robes; Low wooden clogs (hiyori-geta); Low wooden clogs (koma-geta); Low wooden clogs [koma-geta]; Lumberjackets; Mackintoshes; Maillots; Maillots [hosiery]; Maniples; Mankinis; Mantillas; Mantles; Martial arts uniforms; Masks (Sleep -); Masquerade costumes; Maternity bands; Maternity clothing; Maternity dresses; Maternity leggings; Maternity lingerie; Maternity pants; Maternity shirts; Maternity shorts; Maternity sleepwear; Maternity smocks; Maternity tops; Maternity underwear; Maternity wear; Men's and women's jackets, coats, trousers, vests; Men's clothing; Men's dress socks; Men's sandals; Men's socks; Men's suits; Men's underwear; Menswear; Metal fittings for Japanese style wooden clogs; Millinery; Miniskirts; Miters [hats]; Mitres [hats]; Mittens; Mitts [clothing]; Moccasins; Mock turtleneck shirts; Mock turtleneck sweaters; Mock turtlenecks; Moisture-wicking sports bras; Moisture-wicking sports pants; Moisture-wicking sports shirts; Money belts [clothing]; Monokinis; Morning coats; Motorcycle gloves; Motorcycle jackets; Motorcycle rain suits; Motorcycle riding suits; Motorcyclist boots; Motorcyclists' clothing; Motorcyclists' clothing of leather; Motorists' clothing; Mountaineering boots; Mountaineering shoes; Mufflers; Mufflers as neck scarves; Mufflers [clothing]; Mufflers [neck scarves]; Muffs; Muffs [clothing]; Mules; Muumuus; Nappy pants [clothing]; Neck scarves [mufflers]; Neck scarves; Neck scarves [mufflers]; Neck tubes; Neckbands; Neckerchiefs; Neckerchieves; Neckties; Neckwear;

Negligees; Night gowns; Night shirts; Nightcaps; Nightdresses; Nightgowns; Nighties; Nightshirts; Nightwear; Non-slip socks; Non-slipping devices for footwear; Nurse dresses; Nurse overalls; Nurse pants; Nurses' uniforms; Oilskins [clothing]; One-piece clothing for infants and toddlers; One-piece playsuits; One-piece suits; Open-necked shirts; Outer clothing; Outer soles; Outerclimbing; Outerclimbing for boys; Outerclimbing for girls; Outerclimbing for men; Outerwear; Overalls; Overalls for infants and toddlers; Overcoats; Overshirts; Overshoes; Overtrousers; Over-trousers; Padded pants for athletic use; Padded shirts for athletic use; Padded shorts for athletic use; Pajama bottoms; Pajamas; Pajamas (Am.); Pantaloon; Pantie-girdles; Panties; Pants; Pants (Am.); Pantsuits; Pantyhose; Pantyhose; Paper aprons; Paper clothing; Paper hats [clothing]; Paper hats for use as clothing items; Paper hats for wear by chefs; Paper hats for wear by nurses; Pareos; Pareus; Parkas; Party hats [clothing]; Pea coats; Peaked caps; Peaked headwear; Peaks (Cap -); Pedal pushers; Pedicure sandals; Pedicure slippers; Peignoirs; Pelerines; Pelisses; Petticoats; Petti-pants; Pinafore dresses; Pinafores; Pique shirts; Pirate pants; Plastic aprons; Plastic baby bibs; Plastic slippers; Platform shoes; Play suits; Playsuits [clothing]; Pleated skirts for formal kimonos (hakama); Plimsolls; Plus fours; Plush clothing; Pocket kerchiefs; Pocket squares; Pocket squares [clothing]; Pockets for clothing; Polar fleece jackets; Polo boots; Polo knit tops; Polo neck jumpers; Polo shirts; Polo sweaters; Ponchos; Pop socks; Pram suits; Printed t-shirts; Protective metal members for shoes and boots; Pullovers; Pullstraps for shoes and boots; Pumps [footwear]; Puttees and gaiters; Pyjamas; Pyjamas [from tricot only]; Quilted jackets [clothing]; Quilted vests; Rain boots; Rain coats; Rain hats; Rain jackets; Rain ponchos; Rain shoes; Rain slickers; Rain suits; Rain trousers; Rain wear; Raincoats; Rainproof clothing; Rainproof jackets; Rainshoes; Rainwear; Ramie shirts; Rash guards; Ready-made clothing; Ready-made linings [parts of clothing]; Ready-to-wear clothing; Referees uniforms; Removable collars; Replica football kits; Reversible jackets; Riding boots; Riding gloves; Riding Gloves; Riding jackets; Riding shoes; Riding trousers; Robes; Robes (Bath -); Roll necks [clothing]; Roller shoes; Romper suits; Rompers; Ruanas; Rubber fishing boots; Rubber shoes; Rubber soles for jikatabi; Rubbers [footwear]; Rugby boots; Rugby jerseys; Rugby shirts; Rugby shoes; Rugby shorts; Rugby tops; Running shoes; Running Suits; Running vests; Sabots; Safari jackets; Sailing wet weather clothing; Sailor suits; Salopettes; Sandal-clogs; Sandals; Sandals and beach shoes; Sarees; Saris; Sarongs; Sash bands for kimono (obi); Sashes for wear; Scarfs; Scarves; School uniforms; Scrimmage vests; Sedge hats (suge-gasa); Serapes; Shampoo capes; Shawls; Shawls and headscarves; Shawls and stoles; Shawls [from tricot only]; Sheepskin coats; Sheepskin jackets; Shell jackets; Shell suits; Shields (Dress -); Shift dresses; Shirt fronts; Shirt yokes; Shirt-jacs; Shirts; Shirts and slips; Shirts for suits; Shoe covers, other than for medical purposes; Shoe inserts for non-orthopedic purposes; Shoe soles; Shoe soles for repair; Shoe straps; Shoe uppers; Shoes; Shoes for casual wear; Shoes for foot volleyball; Shoes for infants; Shoes for leisurewear; Shoes soles for repair; Shoes with hook and pile fastening tapes; Short overcoat for kimono (haori); Short petticoats; Short sets [clothing]; Short trousers; Shortalls; Shorts; Shorts [clothing]; Short-sleeve shirts; Short-sleeved or long-sleeved t-shirts; Short-sleeved shirts; Short-sleeved T-shirts; Shoulder scarves; Shoulder straps for clothing; Shoulder wraps; Shoulder wraps

[clothing]; Shoulder wraps for clothing; Shower caps; Shrugs; Silk clothing; Silk scarves; Silk ties; Singlets; Skating outfits; Ski and snowboard shoes and parts thereof; Ski balaclavas; Ski boot bags; Ski boots; Ski gloves; Ski hats; Ski jackets; Ski pants; Ski suits; Ski suits for competition; Ski trousers; Ski wear; Skiing shoes; Skirt suits; Skirts; Skorts; Skull caps; Slacks; Sleep masks; Sleep pants; Sleep shirts; Sleeping garments; Sleepsuits; Sleepwear; Sleeved jackets; Sleeveless jackets; Sleeveless jerseys; Sleeveless pullovers; Sliding shorts; Slip-on shoes; Slipovers; Slipovers [clothing]; Slipper socks; Slipper soles; Slippers; Slippers made of leather; Slips; Slips [clothing]; Slips [underclothing]; Slips [undergarments]; Small hats; Smocks; Smoking jackets; Snap crotch shirts for infants and toddlers; Sneakers; Sneakers [footwear]; Snoods [scarves]; Snow boarding suits; Snow boots; Snow pants; Snow suits; Snowboard boots; Snowboard gloves; Snowboard jackets; Snowboard mittens; Snowboard shoes; Snowboard trousers; Snowsuits; Soccer bibs; Soccer boots; Soccer shirts; Soccer shoes; Sock suspenders; Socks; Socks and stockings; Socks for infants and toddlers; Socks for men; Soles for footwear; Soles for japanese style sandals; Soles [Inner]; Spats; Sport coats; Sport shirts; Sport shoes; Sport stockings; Sports [Boots for -]; Sports bras; Sports caps; Sports caps and hats; Sports clothing; Sports clothing [other than golf gloves]; Sports footwear; Sports headgear [other than helmets]; Sports jackets; Sports jerseys; Sports jerseys and breeches for sports; Sports over uniforms; Sports overuniforms; Sports pants; Sports shirts; Sports shirts with short sleeves; Sports shoes; Sports singlets; Sports socks; Sports vests; Sports wear; Sportswear; Stiffeners for boots; Stiffeners for shoes; Stocking suspenders; Stockings; Stockings (Heel pieces for -); Stockings [sweat-absorbent]; Stockings (Sweat-absorbent -); Stoles; Stoles (Fur -); Strapless bras; Strapless brassieres; Straps (Gaiter -); Stretch pants; String fasteners for haori (haori-himo); Studs for football boots; Stuff jackets; Stuff jackets [clothing]; Suede jackets; Suit coats; Suits; Suits (Bathing -); Suits made of leather; Suits of leather; Sun hats; Sun visors; Sun visors [headwear]; Sundresses; Sunsuits; Surf wear; Surfwear; Suspender belts; Suspender belts for men; Suspender belts for women; Suspenders; Suspenders [braces]; Swaddling clothes; Sweat bands; Sweat bands for the head; Sweat bands for the wrist; Sweat bottoms; Sweat jackets; Sweat jackets; Sweat pants; Sweat shirts; Sweat shorts; Sweat suits; Sweat-absorbent socks; Sweat-absorbent stockings; Sweat-absorbent underclothing; Sweat-absorbent underclothing [underwear]; Sweat-absorbent underwear; Sweatbands; Sweaters; Sweatjackets; Sweatpants; Sweatshirts; Sweatshorts; Sweatsuits; Swim briefs; Swim caps; Swim shorts; Swim suits; Swim trunks; Swim wear for children; Swim wear for gentlemen and ladies; Swimming caps; Swimming caps [bathing caps]; Swimming costumes; Swimming suits; Swimming trunks; Swimsuits; Swimwear; Synthetic fur stoles; Tabards; Taekwondo suits; Taekwondo uniforms; Tail coats; Tam o'shanters; Tams; Tank tops; Tankinis; Tank-tops; Tap pants; Tap shoes; Tartan kilts; Teddies; Teddies [underclothing]; Teddies [undergarments]; Tee-shirts; Tennis dresses; Tennis pullovers; Tennis shirts; Tennis shoes; Tennis shorts; Tennis skirts; Tennis socks; Tennis sweatbands; Tennis wear; Theatrical costumes; Thermal clothing; Thermal headgear; Thermal socks; Thermal underwear; Thermally insulated clothing; Thobes; Thong sandals; Thongs; Three piece suits [clothing]; Ties; Ties [clothing]; Tightening-up strings for kimonos (datejime); Tights; Tips for footwear; Toe boxes; Toe

straps for Japanese style sandals [zori]; Toe straps for Japanese style wooden clogs; Toe straps for zori [Japanese style sandals]; Togas; Tongues for shoes and boots; Top coats; Top hats; Topcoats; Tops; Tops [clothing]; Toques [hats]; Track and field shoes; Track jackets; Track pants; Track suits; Tracksuit bottoms; Tracksuit tops; Tracksuits; Traction attachments for footwear; Trainers; Trainers [footwear]; Training shoes; Training suits; Trekking boots; Trench coats; Trenchcoats; Trews; Triathlon clothing; Trouser socks; Trouser straps; Trousers; Trousers for children; Trousers for sweating; Trousers of leather; Trousers shorts; Trunks; Trunks (Bathing -); Trunks [underwear]; T-shirts; Tube tops; Tunics; Turbans; Turtleneck pullovers; Turtleneck shirts; Turtleneck sweaters; Turtleneck tops; Turtlenecks; Tutus; Tuxedo belts; Tuxedos; Twin sets; Umpires uniforms; Under garments; Under shirts; Underarm gussets [parts of clothing]; Underclothes; Underclothing; Underclothing (Anti-sweat -); Underclothing for women; Undergarments; Underpants; Underpants for babies; Undershirts; Undershirts for kimonos (juban); Undershirts for kimonos (koshimaki); Undershirts for kimonos [koshimaki]; Underskirts; Underwear; Underwear (Anti-sweat -); Underwear for women; Uniforms; Uniforms for commercial use; Uniforms for nurses; Union suits; Unitards; Uppers (Footwear -); Uppers for Japanese style sandals; Uppers of woven rattan for Japanese style sandals; Ushankas [fur hats]; Valenki [felted boots]; Veils; Veils [clothing]; Vest tops; Vests; Vests (Fishing -); Vests for use in barber shops and salons; Visors; Visors [clothing]; Visors [hatmaking]; Visors [headwear]; V-neck sweaters; Volleyball jerseys; Volleyball shoes; Waders; Waist belts; Waist cinchers; Waist strings for kimonos (koshihimo); Waistbands; Waistcoats; Waistcoats [vests]; Walking boots; Walking breeches; Walking shoes; Walking shorts; Warm up suits; Warm-up jackets; Warm-up pants; Warm-up suits; Warm-up tops; Water socks; Waterpolo caps; Waterproof boots; Waterproof boots for fishing; Waterproof capes; Waterproof clothing; Waterproof jackets; Waterproof outerclothing; Waterproof pants; Waterproof shoes; Waterproof suits for motorcyclists; Waterproof trousers; Water-resistant clothing; Waterskiing suits; Weather resistant outer clothing; Weatherproof clothing; Weatherproof jackets; Weatherproof pants; Wedding dresses; Wedding gowns; Wellington boots; Wellingtons; Welts for footwear; Wet suits; Wet suits for surfing; Wet suits for water-skiing; Wet suits for water-skiing and sub-aqua; Wet suits for windsurfing; Wetsuit gloves; Wetsuits; Wetsuits for surface watersports; Wetsuits for surfing; Wetsuits for water-skiing; White coats for hospital use; Wimples; Wind coats; Wind jackets; Wind pants; Wind resistant jackets; Wind suits; Wind vests; Windcheaters; Wind-jackets; Windproof clothing; Windproof jackets; Wind-resistant jackets; Wind-resistant vests; Windshirts; Winter boots; Winter coats; Winter gloves; Women's ceremonial dresses; Women's clothing; Women's foldable slippers; Womens' outerclothing; Women's shoes; Women's suits; Womens' underclothing; Womens' undergarments; Women's underwear; Wooden bodies for Japanese style clogs; Wooden main bodies of Japanese style wooden clogs; Wooden shoes; Wooden shoes [footwear]; Wooden supports of Japanese style wooden clogs; Woolen clothing; Woollen socks; Woollen tights; Woolly hats; Work boots; Work clothes; Work overalls; Work shoes; Working overalls; Woven clothing; Woven shirts; Wrap belts for kimonos (datemaki); Wraps [clothing]; Wrist bands; Wrist warmers; Wristbands;

Wristbands [clothing]; Yashmaghs; Yashmaks; Yoga bottoms; Yoga pants; Yoga shirts; Yoga shoes; Yokes (Shirt -); Zoot suits; Zori.
